

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BETTYE BARNES	§	PLAINTIFF
	§	
v.	§	Civil No. 1:12CV34-HSO-RHW
	§	
BTN, INC. d/b/a BOOMTOWN CASINO	§	DEFENDANT

**ORDER GRANTING DEFENDANT'S MOTION
FOR JUDGMENT AS A MATTER OF LAW**

BEFORE THE COURT is the Motion of Defendant, BTN, Inc. d/b/a Boomtown Casino for Judgment as a Matter of Law pursuant to FED. R. CIV. P. 50, after Plaintiff was fully heard on her premises liability/negligence claim. The Court having considered Defendant's Motion, the evidence of record, the arguments of counsel and of Plaintiff, and relevant legal authorities, finds Defendant's Motion is well taken and should be granted for the reasons that follow.

Rule 50(a)(1) of the Federal Rules of Civil Procedure states that:

If during a trial by jury a party has been fully heard on an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue, the court may determine the issue against that party and may grant a motion for judgment as a matter of law against that party with respect to a claim or defense that cannot under the controlling law be maintained or defeated without a favorable finding on that issue.

FED. R. CIV. P. 50(a)(1).

Having reviewed all of the evidence in the light most favorable to the non-moving party and drawing all reasonable inferences in favor of the non-moving party, the Court is of the opinion that there is no legally sufficient evidence of such

quality and weight that reasonable and fair minded jurors in the exercise of impartial judgment might find for Plaintiff on her premises liability claim against Defendant BTN, Inc. For the reasons more fully stated on the record and for the reasons stated herein, Defendant's Motion should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the Motion of Defendant, BTN, Inc. for Judgment as a Matter of Law pursuant to FED. R. CIV. P. 50 is **GRANTED**.

SO ORDERED AND ADJUDGED, this the 16th day of April, 2013.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE